

REMARKS

The specification has been amended to correct the informalities on pages 5 and 9 noted by the Examiner. Claims 1, 4, 6, 9, 10, 12, 13, 15, 16, 19, 22 and 23 have been amended to define clearly the Applicants' invention. Claims 3, 8, 11, 14, 21, 24 and 25 have been cancelled without prejudice or disclaimer. New claims 26-39 have been added to define further aspects of the Applicants' invention. Claims 1, 2, 4-7, 9, 10, 12, 13, 15-20, 22, 23, and 26-39 are now pending in the present application and are believed to distinguish patentably over the prior art.

In the Official Action, the Examiner has rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4, 623,980 to Vary ("Vary"). The Examiner is alleging that the Applicants' invention as defined by this claim is clearly shown by Vary. Claims 2-5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vary in view of U.S. Patent No. 5,764,753 to McCasilin et al. ("McCasilin"). The Examiner is alleging that the Applicants' invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the combined teachings of these references. Claims 11-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Vary and McCasilin in further in view of U.S. Patent No. 6,128,725 to Leach ("Leach"). The Examiner is alleging that the Applicants' invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the combined teachings of these references. Applicants thank the Examiner for indicating allowable subject matter in claims 6-10, 14 and 15 and for allowing claims 16-25.

Independent claim 1 has been amended to incorporate the subject matter of dependent claims 2 and 3 and allowable claim 8 and is believed to distinguish patentably over the cited references. None of the references cited by the Examiner teaches or suggests masking digitized signals received from the communication path as function of the determined power level of the monitored signals by combining a string of n-bits with the digitized signals, at least the most significant bits of the string having a zero value. Accordingly, Applicants respectfully submit that claim 1 should be allowed. Since claims 4-7 and 9-13 are dependent either directly or indirectly on independent claim 1, Applicants respectfully submit that these claims should also be allowed.

Although allowed, independent claim 16 has been amended to incorporate the subject matter of dependent claim 21 and is still believed to distinguish patentably over the prior art. Since claims 17 to 20, 22, 23, 26 and 27 are dependent either directly or indirectly on independent claim 16, which has been allowed, Applicants respectfully submit that these claims should also be allowed.

New claims 28-39 and dependent claim 15 define subject matter identified as being allowable or allowed by the Examiner. Accordingly, Applicants respectfully submit that these claims distinguish patentably over the prior art and should be allowed.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. SMC1P003).

Respectfully submitted,
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